

**Notice of Allowability**

Application No.

10/662,005

Examiner

Jerry Redman

Applicant(s)

GIERL ET AL.

Art Unit

3634

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephonic interview on 10/31/2006.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application   |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>attached hereto</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____   |

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patent to Woudenberg et al. disclose a barricade post having a photoelectric sensor to turn a lamp on at dusk and off at dawn and is flexible. U.S. patent to Schmanski discloses a post that is flexible over 90 degrees.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In the claims:

In claim 1, line 2, "configured to be" has been deleted and

--adjacent a doorway;-- has been inserted after "structure";

In line 6, after "material" the following has been inserted,

--that renders the elongated support member (i) capable of being bent about the axis more than 90 degrees from a starting shape in response to an application of a first force and (ii) capable of returning to the starting shape upon removal of the first force,--

In line 7, "deforming" has been changed to --second--;

In line 9, "deforming" has been changed to --second--;

In line 12, "applied deforming" has been changed to --second--;

In claim 13, line 9, "bending" has been changed to --first--and --,-- has been inserted after "flexible";

In line 11, "bending" has been changed to --first--and after "force" the following has been inserted: --the flexible, elongated support is formed of a material that renders the flexible, elongated support (i) capable of being bent more than 90 degrees from a starting shape in response to an application of a second force and (ii) capable of returning to the starting shape upon removal of the second force--;

In claim 20, line 8, after "material", the following has been inserted:  
--that renders the elongated support (i) capable of being bent more than 90 degrees from a starting shape in response to an application of a first force and (ii) capable of returning to the starting shape upon removal of the first force--;


In line 9, "an applied bending" has been changed to --a second--;

In line 12, "bending" has been changed to --second--.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Notzen (#36,882) on 10/31/2006.

Claims 1-20 are allowable.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 571-272-6835.

  
Jerry Redman  
Primary Examiner